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American Mining Congress

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STANDING COMMITTEES FOR THE YEAR 1910

At each annual session of the American Mining Congress the principal part of its work for the ensuing year is outlined by resolutions adopted by vote of the delegates. The performance of this work calls for the appointment of a number of standing committees, the members of which are all selected with the idea of securing those best qualified to serve.

These committees prosecute their work between sessions and render reports of their transactions or conclusions at the first ensuing annual session. As a means of facilitating their work the Monthly Bulletin is designed to serve as a medium for the presentation of ideas from the membership generally upon topics in which particular interest is felt. The columns of the Bulletin are open to the committees and the membership for the discussion of any subject relating to mining, and all communications from members should be sent to the Secretary of the Mining Congress, who will direct same to the proper committee in case they are not intended for publication.

Below are the standing committees for the year 1910:

GENERAL REVISION OF MINERAL LAND LAWS.

E. B. KIRBY, St. Louis, Mo., Chairman.

WILL L. CLARK, Jerome, Ariz.
W. H. DICKSON, Salt Lake, Utah.
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HARRY L. DAY, Wallace, Idaho, Chairman.

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B. N. LEHMAN, Salt Lake, Utah.
STUART CROASDALE, Denver, Colo.

FEDERAL LEGISLATION.

THOMAS F. WALSH, Denver, Colo., Chairman.

J. H. HAMMOND, New York, N. Y.
J. H. RICHARDS, Boise, Idaho.
E. L. DE LESTRY, St. Paul, Minn.
D. W. BRUNTON, Denver, Colo.

UNIFORM MINING LAWS.

W. R. INGALLS, New York, N. Y., Chairman.

DR. J. DOUGLAS, New York, N. Y.
J. P. CHANNING, New York, N. Y.
J. R. FINLAY, Goldfield, Nev.
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MINING FRAUD LEGISLATION.

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ALASKAN MINING LAWS.

HENRY R. HARRIMAN, Seattle, Wash., Chairman.

M. D. LEEHEY, Seattle, Wash.
J. L. STEELE, Seattle, Wash.

COAL TAX INSURANCE FUND.

JOHN H. JONES, Pittsburg, Pa., Chairman.

DAVID ROSS, Springfield, Ills.
W. R. WOODFORD, Pittsburg, Pa.
J. W. DAWSON, Charleston, W. Va.
THOS. L. LEWIS, Indianapolis, Ind.

STANDARIZATION OF ELECTRICAL EQUIPMENT.

In Coal Mines—

SAMUEL A. TAYLOR, Pittsburg, Pa., Chairman.

J. R. BENT, Oglesby, Ills.
G. A. SCHREIER, Divernon, Ills.
HARRY M. WARREN, Scranton, Pa.
GEO. T. WATSON, Fairmont, W. Va.
GEO. R. WOOD, Pittsburg, Pa.
W. A. THOMAS, Pittsburg, Pa.

In Metal Mines—

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HERBERT S. SANDS, Denver, Colo.
CHAS. A. CHASE, Denver, Colo.

MEMBERSHIP.

THE SECRETARY, Chairman.

Eastern Committee—

SAM'L A. TAYLOR, Pittsburg, Pa.
JOHN McFAYDEN, Indianapolis, Ind.
E. T. BENT, Chicago, Ill.

Western Committee—

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FRED'K. POWELL, Portland, Ore.
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W. J. COX, Ouray, Colo.

MEMBERSHIP

The following persons were duly elected to membership in the American Mining Congress during the month of April, 1910:

ALBERT H. MALONEY.....Pacific City, Ore.
WALTER ADAMS.....46-47 Labbe Block, Portland, Ore.
H. G. LOUGEE.....450 Sherlock Bldg., Portland, Ore.
I. N. MUNCY.....Gold Beach, Ore.
L. Y. KEADY.....501 Board of Trade Bldg., Portland, Ore.
J. A. WESCO.....409 Abington Bldg., Portland, Ore.
FRANCIS CLARNO.....Fourth and Washington sts., Portland, Ore.
W. N. MATLOCK.....Portland, Ore.
J. L. VOSBURG.....Oak Grove, Ore.
S. B. EDWARDS.....82½ Third st., Portland, Ore.
W. B. DENNIS.....Black Butte, Ore.
LEWIS A. LEVENSALER.....Cordova, Alaska.
FREDERICK POWELL.....605 McKay Bldg., Portland, Ore.
OTTO HANSEN.....Salem, Ore.
O. A. THOMAS.....Salem, Ore.
F. L. BARKER.....University of Oregon, Eugene, Ore.
FRANK E. GEISER.....P. O. Box 588, Portland, Ore.

WORKMEN'S COMPENSATION

Substantial progress is being made by the Committee on "Coal Tax Insurance Fund."

A bill has been prepared and is now under consideration by the Committee, providing for the payment of indemnity for injuries occasioned by coal mining accidents, a fund being provided therefor by a small tonnage tax upon coal production.

It is designed upon the perfection of this law, to present it to the legislatures of the coal-producing states for consideration.

It is hoped that this bill will be so far perfected that we may present it in an early issue of the Bulletin.

BUREAU OF MINES

Since the publication of the March Bulletin no material change has been made in the position of H. R. 13915, establishing a Bureau of Mines in the Department of the Interior. The bill is now upon the Senate calendar awaiting final action, and efforts are being made to secure for it an early hearing.

While some opposition is expected, a poll of the Senate shows a considerable majority in favor of the passage of the bill.

Messrs. E. A. Montgomery and Sidney Norman, President and Secretary, respectively, of the Sierra Madre Club of Los Angeles, California, which is the Los Angeles branch of the American Mining Congress, spent several days in Washington and rendered extremely valuable assistance in winning support for the bill.

A very early hearing is expected, and it is hoped that during the current month this bill will be made a law.

INJURY OF D. W. BRUNTON

A wide circle of friends were grieved to learn of the injuries sustained by Mr. David W. Brunton of Denver in an automobile accident on Monday morning, March 25, 1910. Mr. Brunton, in company with Mr. Wellington Hibbard and Mr. Aiken, officials of the Laramie-Poudre Reservoir & Irrigation Company, was on a tour of inspection of the company's works in the vicinity of Fort Collins, Colo., when the automobile in which they were riding got beyond the control of the driver on a steep grade. The

machine, after a wild career down the road, overturned, throwing the occupants out. All were injured, Mr. Hibbard dying shortly after.

Mr. Brunton sustained severe injuries on the right side of his body, his right leg being badly lacerated. He was rushed to a hospital in Denver, where he is recuperating nicely.

The accident was most unfortunate, and while the death of Mr. Hibbard and the injury of Messrs. Brunton and Aiken is deplored, friends of the latter were very glad to learn that they were not more seriously injured.

Mr. Brunton is President of the American Institute of Mining Engineers, and a Director and Member of the Executive Committee of the American Mining Congress.

MORTUARY

Frank J. Campbell: On March 6, 1910, occurred the death of Mr. Frank J. Campbell, of Denver, after an illness of ten days. Born in Niagara County, New York, on January 31, 1855, he came to Canon City, Colo., in 1878. With two associates he began there a hardware business, which was successful, and soon the firm had stores in several mining towns in the state. In 1885 with Guilford S. Wood he formed a partnership in the railroad contracting business, doing construction work on the Great Northern Railway in Montana and on the Colorado Midland Railway in Colorado.

Mr. Campbell went to Cripple Creek at the opening of the gold excitement, became one of the organizers of the Vindicator Consolidated Gold Mining Company, of which concern he acted as General Manager from 1894 to the time of his death. He was also President of the Eagle Ore Company, operating a sampler at Victor, Colo.

Several years ago with others he organized the Nevada-California Power Company, operating power plants at Bishop Creek, Calif., and supplying power to a score of Nevada mining camps. He was the President of this company at the time of his death. He was also connected with the Western Alkali Manufacturing Co., at Green River, Wyo., and the Amity Gold Mining Company, operating near Ouray, Colo.

Mr. Campbell became a member of the American Mining Congress in 1905, taking an active interest in its affairs, and serving upon important committees.

THE SENATE AND THE BUREAU OF MINES BILL

Convincing testimony that the mining industries are entitled to a greater measure of Federal aid is to be found in the report of the Senate Committee on Mines and Mining (Report No. 353 of March 7th), which accompanies H. R. 13915, a bill to establish in the Department of the Interior a Bureau of Mines.

Undoubtedly the Committee has made a fairly exhaustive investigation of the subject, since its report contains many facts about the mining industry which are not items of common knowledge.

After giving reasons for proposing certain minor amendments to the bill passed by the House, as noted in our March Bulletin, the Committee defines the functions of the bill as follows:

"The function and duties proposed for the Bureau of Mines are limited to the making of inquiries and scientific investigations for the benefit of the mining industry, and publishing the results of these inquiries and investigations in such manner as will render them most useful to the industry.

"It is a matter of no concern that the Bureau will have no authority to enforce the adoption of its recommendations. Indeed, it is neither necessary nor desirable that it be clothed with this authority, for the exercise of the authority would consume the energies of the Bureau and jeopardize the chief purpose for which it was created, the making of thorough and impartial investigations.

"Even in other countries, where the general government controls the inspection of mines, experience has demonstrated the wisdom of having the investigations and the inspection under different officials. In this country the success and usefulness to the mining industry of the Bureau of Mines in conducting thorough and impartial investigations will be greater by virtue of the fact that it can have no part in the inspection or supervision of mines, and that function should continue to rest with the several states.

"In a country where public opinion is the highest and final authority, the largest influence that can be exercised by any branch of the public service is exercised through the acquisition of impartial data and the publication of this data in such manner that its thoroughness and fairness appeals alike to those connected with the industry and to an intelligent public opinion.

"The bill under consideration neither authorizes nor permits the employes of the Bureau of Mines to participate in the inspection or supervision of mines in any state. This work will remain, where under the constitution it belongs, within the rights and police duties of the states."

In relation to the purposes of the Bureau and the precise necessity that exists for its establishment, we cull the following from the language of the Committee:

PURPOSES OF THE BUREAU.

"The essential purpose of the proposed Bureau of Mines is to provide such scientific inquiries and investigations for the benefit of the mining industry as will aid in making mining in the United States less wasteful of life and resources. The investigations will be useful to the states in the enactment of better and more uniform laws and regulations; useful to the state inspectors, operators and miners, by supplying them with reliable data concerning explosions, gas, dust, mine fires and other factors entering into the problem of mine safety; useful in solving the problems of the more efficient treatment and use of metallic mineral products; useful to the general public in supplying important data on the basis of intelligent public opinion. * * *

"Other of its purposes are the collection of data concerning the best practices for safe and efficient mining followed in different mining countries, the digestion and publication of this data for the benefit of American mining industries; and the investigations of mineral products (fuels, stone, sands, clays and clay products, cements, limes, etc.) used by the government and the people of the United States to indicate how these can be used most efficiently. If this Bureau is to be useful in helping to prevent unnecessary waste of the national resources, the committee believes it should begin by indicating how the government itself can secure and use most efficiently such of these resources as it needs in its own work. The current expenditures of the government for fuels and public work, based on the use of mineral products, now probably exceeds $50,000,000 yearly."

PRESENT WORK INADEQUATE.

"The general government is now for the second year expending under the Geological Survey the sum of $150,000 for investigations seeking the causes of 'mine explosions,' and valuable results have come from this work.

"But the investigations are inadequate in that they are restricted to the causes of mine explosions which constitute but ten to twenty per cent of coal mine fatalities. They do not touch great disasters like that which took place recently at Cherry, Illinois, in which three hundred lives were lost, nor many of the lesser coal mine disasters of the past few years, nor eighty per cent of the deaths in coal mines, nor any of the problems of safety in metal mines, nor any of the larger problems concerning the waste of essential national resources, nor the general betterment of mining conditions.

"The basis of this investigation is unsatisfactory in that it has no organic authority in law except as authorized in the appropriations acts, which provide each time for but a single year, and is each time practically dependent not simply on a majority but upon unanimous consent in Congress.

"It is not a part of the organic work for which the Geological Survey was created, nor does it belong properly under any existing government bureau. Under those conditions no investigation can be planned or experts employed for periods beyond the limits of a single year. The services of the most competent experts can neither be secured nor retained, and experience of one season will often be lost in the next season, as experts employed will naturally accept other and more permanent positions. This is an injustice to the great mining industry."

NO DUPLICATION OF WORK.

"The existing Bureaus of the government with which the work of the proposed Bureau of Mines will be most closely associated are The Geological Survey, the General Land Office and the Indian Bureau, all three of which are under the Interior Department.

"With the Geological Survey the relation of the new Bureau of Mines will be closer than with any other bureau. The Geological Survey will continue its topographic and geologic maps and surveys, its investigations as to the extent of mineral resources and its classification of the public lands. The new Bureau of Mines will, as indicated in this bill, begin where the Geological Survey leaves off. It will take up the problems connected with the mining and the treatment of mineral products, conducting investigations with a view to greater safety and less waste in the further development of the industry.

"With the General Land Office a Bureau of Mines will co-operate through investigations to determine how the mineral lands still belonging to the government may be used most efficiently. This, of course, is different from the land classification. The aggregate area of the public lands still belonging to the government, including Alaska, is 731,000,000 acres, or greater than the aggregate area of all the states east of the Mississippi river and the state of Texas.

"With the Indian Bureau, or Office of Indian Affairs, the new Bureau of Mines will be associated in connection with the most efficient development of the mineral, oil and coal lands belonging to the Indians."

WHY A BUREAU OF MINES SHOULD BE ESTABLISHED.

"A federal Bureau of Mines is a serious national need. An intolerable situation, which must be met by prompt and efficient action, presents itself in the excessive and increasing death roll and the waste of resources in American mines: eight thousand to ten thousand miners killed or injured each year; probably thirty thousand men killed and one hundred thousand injured during the past twenty years in our coal mines alone, with (eleven thousand widows made and thirty thousand children left fatherless)—and this with safer national mining conditions than can be found in any other country. In addition to this there has been the waste of not less than 250,000,000 tons of coal yearly; each year now our mines are becoming more dangerous as the work extends deeper and the gases increase; and, in spite of rigid state legislation, the disasters are becoming more frequent and the death list is increasing."

A GIANT UNORGANIZED INDUSTRY.

"No one unacquainted with the industry can possibly realize the deplorable condition of coal mining in the United States at the present time. It has grown with phenomenal rapidity to an unorganized giant industry, employing more than 700,000 men, the majority of whom are still foreigners in language and traditions, who have come to this country unfamiliar with mining practices, restless and even resistant under discipline, whether imposed by the operators or by their own organizations.

"The majority of these men, strangers to our language and institutions, live underground during the day, are segregated in communities of their own at night, their needs have been overlooked, and they have not until now asked for such assistance for the reason that they have remained in ignorance of its possibilities. Meanwhile it is their labor that has built up the mining industry, which is the basis of the varied industries—the transportation, the commerce and the comfort of the nation. This long-neglected industry presents many serious national as well as local problems, and it is with a view to improving the conditions of this industry, especially as to greater safety for the miner, that the national Bureau of Mines is proposed."

THE DEATH TOLL IN AMERICAN MINES.

"The great increase in the production of coal during the last decade, and the related increase in the number of foreign speaking men employed in the industry, accounts in part for the increase in the number of fatal accidents. But the following table, giving the number of men killed for each one thousand employed, shows that the increase cannot be accounted for in this way alone.

Number of men killed in the coal mines of the United States for each one thousand employed:

1897	2.34	1903	3.14
1898	2.59	1904	3.38
1899	2.98	1905	3.53
1900	3.24	1906	3.40
1901	3.24	1907	4.86
1902	3.49	1908	3.60

MINING INDUSTRY ENTITLED TO THIS AID AND RECOGNITION.

"In magnitude and importance the mining industry ranks second only to agriculture among the foundation industries of the country. It now contributes over $2,000,000,000 annually to the national wealth, as compared with $7,500,000,000 from agriculture; but it contributes sixty-five per cent of the freight traffic of the country, as compared to only eight and one-half per cent from agriculture. Its manufactured products in 1907 amounted to a total of $4,318,598,661, and the wages paid to the men engaged in such manufacture amounted to $863,558,487, as against $735,101,760 paid to those engaged in agriculture.

"In an address before the Canadian Mining Institute in April, 1909, Earl Gray, the Governor General of Canada, said: 'It is well known that the per capita production of men engaged in mining is greater than that of men engaged in agriculture. In Canada the per capita production of men engaged in mining is estimated at two and one-half times that of men engaged in agriculture. The government of New South Wales has published reports from its government statistician, Mr. Coughlan (now their agent-general in London), that the men engaged in silver-lead mining produced more wealth and gave more employment to affiliated industries than ten to twelve times the same number of men employed in agriculture.'

"The mineral industry is increasing in its complexity and importance with relation to the other branches of industry. In addition to its contribution of sixty-five per cent of the total freight traffic of the country it requires more than 3,000,000 men to do the work connected with the mining, handling and treatment of the mineral products, 1,000,000 of whom work in the mines; it is the basis of the larger portion of the nation's varied manufacturing interests, and of its supplies of heat and light.

"The production and consumption of mineral products is now increasing so rapidly that the value of the products of the mine for the current decade will be nearly two and one-half times that for the preceding decade, this increase being much in excess of the increase in population."

OTHER INDUSTRIES ARE ASSISTED.

"The other foundation industries are receiving suitable recognition and aid through federal investigations; thus, agriculture (including forestry) has the assistance of a federal Department of Agriculture, with twelve bureaus and offices, with an annual appropriation of more than $17,000,000 and with experiment stations established in every state and territory. Even the fishery industries, which contribute but little more than $60,000,000 to the annual wealth of the nation, have the aid of a special federal bureau with a yearly appropriation of nearly $800,000; while the mining industry, which contributes more than $2,000,000,000 yearly to the national wealth, receives the aid of but a portion of one government bureau (the Geological Survey), which also contributes in surveys, maps and various investigations to help agriculture and other interests.

"In dealing with the nation's two great foundation industries Congress should, without further delay, grant to the miner who labors continuously in the presence of difficulties and dangers underground (many of which dangers he cannot understand) at least as much consideration as it grants to the farmer, who labors under the safest and healthiest conditions. The proposed Bureau of Mines should be promptly established and adequately equipped and maintained so that its researches and educational work for the benefit of the miner can be carried forward rapidly and effectively."

WHY THE WORK SHOULD BE DONE BY THE FEDERAL GOVERNMENT.

"Practically all of the states are interested in mining. Of the forty-nine states and territories only three have a mineral production valued at less than $1,000,000 per annum. Thirty states produce coal. All the states have mineral products of one kind or another. The total production averages $40,000,000 yearly for each state and territory. The people in every state and every territory are interested in the mineral industry as consumers of mineral products. The entire nation is interested in the question as to how we can prevent the awful loss of life in American mining operations and the great waste in the mining and use of our essential mineral resources."

VALUE OF MINERAL PRODUCTS.

"The value of the mineral products in the various states in 1907 is shown in the following table:

—Value of Mineral Products by States, 1907.—

Alabama	$ 52,136,749	New Hampshire	$ 1,390,360
Alaska	20,200,552	New Jersey	32,800,299
Arizona	56,753,650	New Mexico	7,517,843
Arkansas	6,386,747	New York	68,762,815
California	56,679,436	North Carolina	2,961,381
Colorado	71,105,128	North Dakota	875,180
Connecticut	3,389,519	Ohio	207,657,339
Delaware	431,438	Oklahoma	26,908,968
District of Columbia	337,294	Oregon	2,638,587
Florida	7,365,754	Pennsylvania	657,783,345
Georgia	6,641,003	Rhode Island	937,384
Idaho	21,300,612	South Carolina	2,305,203
Illinois	145,768,464	South Dakota	4,938,829
Indiana	39,141,217	Tennessee	26,525,004
Iowa	17,623,194	Texas	19,806,458
Kansas	28,577,044	Utah	38,099,756
Kentucky	19,294,341	Vermont	9,464,857
Louisiana	10,876,719	Virginia	19,313,182
Maine	4,379,073	Washington	11,617,706
Maryland	19,356,250	West Virginia	92,487,960
Massachusetts	6,584,181	Wisconsin	13,832,395
Michigan	70,073,920	Wyoming	10,671,574
Minnesota	5,457,422		
Mississippi	1,024,302	Total	$2,067,445,892
Missouri	53,129,431	Miscellaneous	1,743,304
Montana	60,663,511	Unspecified products	100,000
Nebraska	1,383,916		
Nevada	22,088,700	Grand total	$2,069,289,196

NOT A TASK FOR THE STATES.

"No state should be required to bear the cost of conducting investigations such as will help the mining industry in all the other mining states. If each state undertook to conduct such investigations there would be either costly and unnecessary duplication or else a few states would have to bear the burden of investigations for the benefit of all.

"These investigations cannot be left to individual companies, as the duplication in this case would be still greater and the results more conflicting and subject to suspicion. Furthermore, the problem is too large, too expensive and too complicated a one for either the individual or the states.

"Every other mining country has found a Bureau of Mines necessary and beneficial. Every other country has found that it was the researches and educational work of these bureaus, rather than restricted legislation, that has made mining in those countries so much safer."

BENEFITS TO METAL MINING.

Under the caption, "Some of the Benefits which the Western Mining Industry Should Derive from the Establishment of a Mining Bureau," the report enumerates the following:

Development of a universal code of hoisting signals.

Unifying the system of inspection of and ratings of fuse, detonators and explosives.

Systematic investigations into both theory and practice of the different methods of concentration, and the special adaptability of various methods to different kinds of ores.

Most advantageous marketing of minerals.

Treatment of low grades and prevention of undue loss in tailings and slag.

The mitigation of damages from smelter fumes.

The development of cheap coals, and coking coals, for the benefit of mining, manufacturing and transportation enterprises in the West.

LOSS OF LIFE IN COAL MINES.

In taking up the subject of fatal accidents in the coal mines of the United States for the period 1899-1908, the report calls attention to the enormous increase in loss of life, by the following tables:

Number of persons killed by accidents in coal mines of North America, 1899-1908:

Year.	Total No. Killed.	No. Killed Per 1,000 Employed	Year.	Total No. Killed.	No. Killed Per 1,000 Employed.
1899.....	1,247	2.98	1904.....	2,018	3.37
1900.....	1,503	3.25	1905.....	2,191	3.44
1901.....	1,604	3.24	1906.....	2,078	3.16
1902.....	1,834	3.49	1907.....	2,812	4.17
1903.....	1,802	3.14	1908.....	2,686	3.96

Total number killed, ten years, 19,775.

Average each year per 1,000 employed, 3.49.

PETITIONS BY STATE LEGISLATURES AND COMMERCIAL ORGANIZATIONS.

The Senate Committee has received urgent petitions for the establishment of a Bureau of Mines from the following organizations: United Mine Workers of America, Pittsburg Coal Operators' Association, the Tri-State Mining Association of Illinois, Los Angeles Chamber of Mines, Pittsburg Chamber of Commerce, American Mining Congress, National Irrigation Congress, Trans-Mississippi Commercial Congress, American Society for Testing Materials, National Lime and Brick Manufacturers' Association, and many others.

Memorials to the same effect have been sent to Congress from the Legislatures of the following states: Ohio, West Virginia, Illinois, Kentucky, South Dakota and Colorado.

PROPOSED NEW ACT FOR THE SALE OF TIMBER AND TIMBER LANDS

In the Senate of the United States, Senator Knute Nelson of Minnesota has introduced a bill (S. 5489) proposing new regulations for the disposal of government timber and timber lands. On January 18th the bill, after the usual second reading, was committed to the hands of the Public Lands Committee of the Senate, from which it has not yet emerged.

As the restrictions laid down by this bill surrounding the acquirement of timber and timber-covered lands, for mining or other purposes, are of vital concern to western mining men, the bill is given here in full for the information of members of the Mining Congress:

A BILL

TO PROVIDE FOR THE SALE OF TIMBER AND TIMBER LANDS.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all legal subdivisions of surveyed, vacant and unreserved public lands of the United States west of the summit of the Cascade range and Sierra coast range of mountains, bearing milling timber which averages eight thousand feet per acre, and all such lands east of the summit of said mountains bearing such timber which averages five thousand feet per acre, and the timber thereon, shall be disposed of only in the manner prescribed by this act.

Sec. 2. That the timber on all lands mentioned in the foregoing section shall be sold by the Secretary of the Interior to citizens of the United States, or to associations composed of such citizens, at public sale at not less than its appraised value, in such manner and amounts and under and subject to such regulations, terms and conditions as the Secretary of the Interior may prescribe, but a purchase of timber under this act shall not be construed or operate to give the purchaser thereof any right, title or interest in or to the land upon which such timber is standing, except the right to such use and occupancy thereof as may be necessary to the cutting and removal, or to the sale or manufacture of the timber into lumber, and all timber so sold shall revert to the United States if it is not cut and removed within twenty years from the date of its sale, except in cases where the timber is purchased by entrymen or locators to whom patents issue under this act for the lands on which such timber is located.

Sec. 3. That the lands affected by this act may be disposed of under the mineral or coal land laws or to actual settlers only under the provisions of the homestead laws; but no right, title or interest in or to the timber thereon shall be claimed or acquired under any mineral location or coal land or homestead entry, or under any patent issued thereunder, nor shall such location, entry or patent preclude the purchaser of the timber on the land covered thereby from the right to such use and occupancy of such lands as may be necessary to the cutting and removal or to the sale or milling of the timber.

Sec. 4. That any person who has made a location or entry under the preceding section shall have a preference right to purchase the timber on any legal subdivision or subdivisions of the land covered by his location or entry, at the top price bid therefor at a public sale at which such timber is offered, upon payment within thirty days from the date of such public sale of one dollar and twenty-five cents per acre for all lands covered by the timber purchased by him, and he shall pay the purchase price of such timber in such installments and at such times as the Secretary of the Interior may direct, but no locator or entryman so purchasing timber shall sell or cut and remove the same or any part thereof from any legal subdivision covered by his purchase until the whole of the purchase price of all timber on such legal subdivision has been fully paid; provided, that the one dollar and twenty-five cents per acre paid by any locator or entryman for land covered by timber purchased by him shall be applied and credited to him upon the last installment due for the purchase price of the timber; and, provided further, that no patent shall issue to any locator or entryman for any lands covered by timber purchased by him until after he has fully paid for such timber and performed all of the acts required by the law under which his location or entry was made.

Sec. 5. That the proceeds from the sales of all timber disposed of under this act shall, after paying the expenses of appraisal and sale, be distributed as follows, to-wit: One-fourth shall be paid to the state or territory, to be expended under the direction of the Legislature thereof for roads and schools in the counties where the timber sold was located at the time of the sale. The residue of said proceeds from the sales of timber in the states or territories subject to the provisions of an

act entitled "An Act Appropriating the Receipts from the Sale and Disposal of Public Lands in Certain States and Territories to the Construction of Irrigation Works for the Reclamation of Arid Lands," approved June 17th, 1902, shall be paid into and remain a part of the reclamation fund described in said act; and the residue of the proceeds from the sales of timber in states not subject to the provisions of said act shall go into the general funds of the treasury.

Sec. 6. That as soon as any timber sold under this act has been removed from the land, such land shall become subject to entry or disposal under the general provisions of the public land laws of the United States if it is not at that time covered by a valid subsisting entry.

Sec. 7. That the act entitled "An Act Authorizing the Citizens of Colorado, Nevada and the Territories to Fell and Remove Timber on the Public Domain for Mining and Domestic Purposes," approved June 3rd, 1878, and the act entitled "An Act for the Sale of Timber Lands in the States of California, Oregon, Nevada and in Washington Territory," approved June 3rd, 1878, excepting Secs. 4, 5 and 6 thereof, and all acts and parts of acts amending or extending Secs. 1, 2 and 3 of said act, and all other acts or parts of acts inconsistent herewith, be and the same are hereby repealed; provided, that all valid subsisting claims heretofore initiated under Secs. 1, 2 and 3 of said act of June 3rd, 1878, or amendments thereof, may be perfected upon compliance with law and regulations issued thereunder.